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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,000	08/30/1999	KENICHI MIYAZAKI	Q55595	9906

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EXAMINER

MACKEY, PATRICK HEWEY

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/386,000	MIYAZAKI, KENICHI
	Examiner Patrick H. Mackey	Art Unit 3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 July 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6, 13, 15-18 and 26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6, 13, 15-18 and 26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed 7/11/2003 has been entered.
2. The indicated allowability of claims 3, 4, and 16 has been withdrawn.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 1 and 26 recites the broad recitation "substantially flat sheet of paper", and the claim also recites "including a stiff carton" which is the narrower statement of the range/limitation.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 5, 6, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al. Yamada discloses an image forming apparatus that includes at least one roll of paper (102) and one sheet of carton (101), a printing unit (2), a discharged paper stacking unit (301) below the printing unit and in a straight line via a paper path from the feeding unit through the printing unit, an elongative member (104a) and a pair of support members (104b).

8. Claims 13, 18, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Orbons et al. (EP 0727375 A1). Orbons discloses a sheet feeding area with a plurality of rolls arranged obliquely to each other.

***Claim Rejections - 35 USC § 103***

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Orbons (EP 07273754 A1). Yamada discloses all the limitations of the claim, but it does not disclose that the paper rolls are arranged obliquely to one another. However, Orbons discloses a sheet feeding unit that includes a plurality of paper rolls are arranged obliquely to one another for the purpose of simplifying roll replacement. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Yamada by having the paper rolls are arranged obliquely to one another, as disclosed by Orbons, for the purpose of simplifying roll replacement.

11. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCulley in view of Smedal. McCulley discloses a paper roll attachment for a type writer that includes a sheet feeding area and a plurality of paper rolls arranged obliquely to each other, a printer (D), and a paper discharge area (generally at 19). McCulley discloses all the limitations of the claims, but it does not disclose a sheet feeding area positioned at a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level. However, Smedal discloses a roll attachment for type writers that includes a frame (5) with a vertical leg (3) adapted to be supported at any elevation (see page 1, lines 85-90), including a height at which

a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level, for the purpose of adapting the attachment to any type writing machine (see page 1, lines 15-30). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCulley by utilizing a frame with a vertical leg adapted to be supported at any elevation, including a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level, for the purpose of adapting the attachment to any type writing machine.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hageman in view of Metzner. Hageman discloses a sheet feeding area which includes a roll of paper (46), a sheet of paper (s), and cover members (45/42). Hageman does not disclose that a single cover member extends linearly from an upstream portion to a downstream portion in which the sheet of paper is fed and the cover member is disposed between the sheet of paper and the roll of paper at a location in the sheet feeding area at which the roll of paper is in a rolled shape. Rather Hageman discloses two separate cover members (45, 42). Cover members (42) have a portion that extends linearly (42) that covers a first feeding path for the roll of paper from above and supports the sheet of paper from below. Additionally, cover members (45) have a portion between the sheet of paper (s) and the roll of paper (46) at a location in the sheet feeding area at which the roll of paper is in a rolled shape. However, Metzner discloses a single cover member (23) that extends

linearly from an upstream portion to a downstream portion in which a sheet of paper is fed and the cover member is disposed between a sheet of paper and a feed pack at a location in the feed pack area for the purpose of continuously supporting the paper from the pack to the printing area. It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Hageman by utilizing a single cover member that extends linearly from an upstream portion to a downstream portion in which a sheet of paper is fed and the cover member is disposed between a sheet of paper and a feed pack at a location in the feed pack area for the purpose of continuously supporting the paper from the roll to the printing area.

***Allowable Subject Matter***

13. Claims 3-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

14. Applicant's arguments filed 7/11/2003 have been fully considered but they are not persuasive.

15. The applicant states that Yamada does not disclose or suggest any relationship between a located height of a paper feeding unit and a user standing in front of the printer as required by claim 1. In response, the examiner notes that claim 1 does limit the height of a user or the placement of the printer in relation to the user. Thus, the claim reads on any height.

16. The applicant states that Yamada does not disclose "at least one sheet of paper including a stiff carton". In response, in addition to all previous comments regarding this language, the examiner notes that a roll of paper is merely a long sheet packaged in a certain manner.

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17. The applicant states that Orbons does not disclose "a sheet feeding area positioned at a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing at ground level." In response, the examiner notes that the term "sheet feeding area" reads on any part of the illustration in figure 1 that feeds sheets. Thus, at least setting up the spindle anticipates this limitation. Additionally, since the applicant has not defined the term "substantially", Orbons' disclosure regarding loading rolls 16 and 17 also anticipates this limitation.

18. The applicant states that Orbons does not disclose "a paper feeding path which extends straight in a vertical direction from the paper feeding area to the paper discharge area via the printing area." In response, the examiner notes that the applicant utilizes the transitional phrase "comprising". Therefore, the claim is not limited solely to paths that extend straight in a vertical direction from a paper feeding area to a paper discharge area via a printing area. It includes any structure that has at least one area that extends straight in a vertical direction that is between a paper feeding area and a paper discharge area. Orbons discloses at least one area that extends straight in a vertical direction that is between a paper feeding area and a paper discharge area (see paths 22, 23, 9, etc.).

19. The applicant states that Orbons does not disclose that the sheet feeding area is "operable to feed a plurality of paper rolls ranging in width from 210 mm to 1120 mm and a substantially flat sheet of paper including a stiff carton ranging in length from 420 mm to 730 mm." In response, the examiner notes that the term "operable" is defined in Merriam-Webster's On-Line Dictionary as "fit, possible, or desirable to use". Orbons discloses a sheet feeding area in which

it is possible to feed a plurality of paper rolls ranging in width from 210 mm to 1120 mm and a substantially flat sheet of paper including a stiff carton ranging in length from 420 mm to 730 mm.

20. Regarding the applicants analogous art statements, the examiner does not understand the applicant's continued assertion that a typewriter is not a printer.

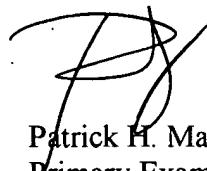
21. Additionally, the examiner does not understand the applicant's continued assertion that Hageman does not disclose a cover member that covers the feeding path, or the applicant's assertion that Metzner does not disclose structure that covers a sheet.

*Conclusion*

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Mackey whose telephone number is (703) 308-0630. The examiner can normally be reached on Tuesday-Friday 7:00 a.m. - 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Patrick H. Mackey  
Primary Examiner  
Art Unit 3651